THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NOS.12832 OF 2005 AND 22498 OF 2004

Disposed of on 09-08-2005

Between:

B.Narasappa ….. Petitioner

And

The Government of A.P. and others ……Respondents.

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NOS.12832 OF 2005 AND 22498 OF 2004

COMMON ORDER:

1. These writ petitions have been filed by Bariki Narasappa assailing the action of

District Collector, Kurnool in refusing to issue caste certificate to his daughter B.Siresha to the effect that she belongs to Barika Caste (SC). It is the case of the petitioner that he belongs to Barika caste which is Scheduled Caste and he pursued his education and secured employment as a person belonging to Barika caste (SC). It is his further case that his daughter-B.Siresha seeks admission in engineering course under SC category and therefore an application has been made by him to the District Collector, Kurnool for issuance of community certificate. The District Collector, Kurnool turned down the request of the petitioner on the ground that Barika caste is not existing in Kurnool District. Assailing the action of the District Collector, W.P.No.22498 of 2004 has been filed by him. Another petition being W.P.No.12832 of 2005 has been filed by him seeking direction to the respondents to admit his daughter-B.Siresha to participate in the counseling for admission into Engineering Graduate Course (B.Tech) basing on the rank secured in EAMCET 2005 as a reserved candidate belonging to SC community without production of caste certificate.

2. Since both the writ petitions are interconnected they are being disposed of by this common order.

3. Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing for the respondents.

4. Learned counsel appearing for the petitioner submits that the petitioner himself pursued his education and secured employment as a SC candidate and therefore the same benefit accrues to her daughter also on whose behalf these two writ petitions have been filed. He further submits that the rejection of application filed by the petitioner for grant of community certificate to her daughter on the ground of some enquiry conducted in the case of 33 persons is arbitrary. In nutshell, his contention is that no enquiry has been conducted on the application presented by the petitioner seeking community certificate to his daughter and therefore the order of the District Collect, Kurnool in rejecting to issue community certificate to his daughter is not sustainable.

5. Learned Government Pleader for Social Welfare appearing for the respondents submits that in case of refusal of grant of certificate under the provisions of A.P. SCs, STs and BCs Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, the petitioner has a remedy by way of review to the Government and therefore this writ petition is not maintainable.

6. It is no more in dispute that the application filed by the petitioner for grant of community certificate to his daughter came to be rejected on the basis of an enquiry conducted in respect of 33 persons. There seem to be no independent enquiry conducted on the basis of the application submitted by the writ petitioner. Learned Government Pleader for Social Welfare across the Bar submits that the order of the District Collector, Kurnool passed in respect of 33 persons has been set aside by the Government on an appeal. Such is the situation, I deem it appropriate to direct the District Collector, Kurnool to conduct enquiry basing on the application/s already filed by the petitioner as per the provisions of A.P. SCs, STs and BCs Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and A.P. (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993 within four weeks of the date of receipt of the copy of the order. Since the admissions to the engineering courses are in progress, the petitioner is at liberty to make an application for provisional certificate as contemplated under Rule 19 of A.P. SCs, STs and BCs Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and thereupon the District Collector, Kurnool has to dispose of the said application within two weeks.

7. With the above directions, these two writ petitions are disposed of. No costs.

Dated: 09-08-2005. (B.Seshasayana Reddy, J)

Cc in two days.

THE HONOURABLE SRI JUSTICE

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